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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,822	06/24/2003	Toru Iwamoto	1046.1294	9083

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EXAMINER

SHORTLEDGE, THOMAS E

ART UNIT	PAPER NUMBER
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2626

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/601,822

Applicant(s)

IWAMOTO ET AL.

Examiner

Thomas E. Shortledge

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 10-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 10 is rejected as being non-statutory since recites "a storage medium readable by a machine, tangible embodying a program of instructions executable by the machine to perform method steps." To become statutory the claim must recite the readable medium as being "a computer readable medium" and the program instructions must not be tangible embodied; however, they must be stored within the computer readable medium and executable by a processor.

Claims 11-18 are rejected since they depend from claim 10.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6, 9-15 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Iwamida (5,839,109).

As to claim 1, Iwamida teaches:

a sound input unit receiving an input of a voice (fig. 2, element 11);

an analyzing unit obtaining a characteristic of the sound received by the sound input unit, by analyzing said sound (Fig. 2, element 22, frequency analyzer, col. 3, lines 45-55)

a control information storage unit storing therein a control information corresponding to the characteristic of the sound (storing display patterns and graphic patterns to be displayed based on a matching speech features, col. 3, lines 60-67, and col. 4, lines 1-5, Fig. 2, elements 53 and 54).

a retrieving unit retrieving from the control information storage unit, the control information corresponding to the characteristic of the sound (a display controller for receiving the code representing the speech sound, the data representing information to be displayed, col. 4, lines 48-57, Fig. 2, element 61); an output unit outputting a predetermined effect (display controller, col. 4, lines 50-57); and

a control unit controlling the output unit based on the control information retrieved by the retrieving unit. (display device, Fig. 2, element 62).

As to claim 10, Iwamida teaches:

obtaining a characteristic of an inputted sound by analyzing the sound (Fig. 2, element 22, frequency analyzer, col. 3, lines 45-55);

retrieving from a control information storage unit, a control information corresponding to the characteristic of the sound (retrieving from character display means or graphic pattern storage, codes to display the corresponding character or graphic pattern, col. 3, lines 60-67 and col. 4, lines 1-5, and col. 4, lines 50-58); and

executing the control so as to output a predetermined effect on the basis of the retrieved control information (a display device for outputting an graphic pattern or character pattern based on the retrieved code, col. 4, lines 47-58).

As to claims 2 and 11, Iwamida teaches the predetermined effect is at least one of operations performed based on predetermined functions such as displaying an image, reproducing a piece of music and giving a notice by vibrations. (displaying a graphic pattern, col. 4, lines 1-5).

As to claims 3 and 12, Iwamida teaches the characteristic of the sound is a power spectrum (using an FFT to analyze the signal, and obtain the power of each of the frequency bands, col. 3, lines 45-50).

As to claims 4 and 13, Iwamida teaches a specifying unit specifying, when the sound input unit receives a sound for a speech, an ambient sound contained in the

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received sound (determining when the input is speech or non-speech col. 4, lines 58-67), and wherein the retrieving unit retrieves the control information corresponding to the ambient sound specified by the specifying unit (retrieving graphic information corresponding to the non-speech, col. 4, lines 58-67).

As to claims 5 and 14, Iwamida teaches:

A detection unit detecting an auxiliary information to be used for the retrieve (detecting nonspeech to be used for the retrieving of data, Fig. 1, element 32); and

wherein the control information storage unit stores therein the sound characteristic, the auxiliary information and the control information in a way that corresponds the sound characteristic and the auxiliary information to the control information (the sound display information and the nonspeech display information are stored to be used by the comparing means, Fig. 1, elements 5, 51, 52 and 4), and

the retrieving unit retrieves from the control information storage unit, the control information corresponding to the sound characteristic and the auxiliary information (a display means retrieving the nonspeech sound display information and speech display information to display the correct information, Fig. 1, elements 6, 5, 51, and 52).

As to claims 6 and 15, Iwamida teaches a speaking state detection unit detecting, when the sound input unit receives the sound for a speech, a speaking period and a non-speaking period (determining speech or non-speech, col. 4, lines 58-67).

As to claims 9 and 18, Iwamida teaches receiving a sound during a non-using period of the computer (the system is constantly receiving non-speech sounds, col. 5, lines 29-45).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7-8 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwamida in view of Mittal et al. (US 6,823,312 B2).

As to claims 7, 8, 16 and 17, Iwamida does not teach the sound input unit receives a sound transmitted from a device of the other party via a communication network, nor the sound input unit receives a sound transmitted to a device of the other party via the communication network.

However, Mittal et al. teach a phone system able to receive voices from either party transmitted over a communication system (Fig. 5, "phone").

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the methods of Iwamida with the communication

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network of Mittal et al. to provide a personalized system for providing a service for improving understandability of received speech in accordance with user specific needs, as taught by Mittal et al. (col. 3, lines 1-4).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas E. Shortledge whose telephone number is (571)272-7612. The examiner can normally be reached on M-F 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571)272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TS
1/29/07


RICHEMOND DORVIL
SUPERVISORY PATENT EXAMINER